

**Notice of Allowability**

Application No.

09/773,298

Applicant(s)

SHUSTER ET AL.

Examiner

Mark Fadok

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/24/2006.
2. ☒ The allowed claim(s) is/are 20-27, 29-37 and 39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>5/4/2006</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|   | 9. <input type="checkbox"/> Other _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The examiner is in receipt of applicant's after final response to office action mailed 8/25/2005, which was received 1/25/2006. The examiner has carefully considered the arguments and amendment provided by the applicant and has found them to be persuasive, therefore the following reasons for allowance are provided:

The amendment has overcome the USC 112 rejection, therefore that rejection has been obviated.

## **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jonathan Jaech on 5/4/2006.

### **Claim 20**

In line 2, after "name including a" delete "user-selected" and insert--user selected--

In line 16, after "the database to relate", delete "user-selected" insert--user selected--

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In line 17, after "subdomain labels with", delete "user-selected" insert--user selected--

In line 19, after "fully-qualified domain name" insert--, wherein the subdomain management system is a separate entity from the domain name owners and the user--

**Claim 26**

In line 2, after "for payment from" delete "users for relating user-selected" and insert--the user for relating user selected--

**Claim 30**

In line 2, after "related thereto" insert--, each domain name including a user selected subdomain label to the left of a fully-qualified domain name--

In line 18, after "the database to relate", delete "user-selected" insert--user selected--

In line 21, after "fully-qualified domain name" insert--, wherein the subdomain management system is a separate entity from the domain name owners and the user--

**Claim 36**

In line 2, after "users for relating", delete "user-selected" insert--user selected--

***Allowable Subject Matter***

Claims 20-27,29-37 and 39 are allowed.

The following is an examiner's statement of reasons for allowance of independent claims 20 and 30:

Regarding claim 20 and 30

The prior art of record neither anticipates nor fairly and reasonably teaches a method and system wherein the subdomain management system is a separate entity from the domain name owners and the user comprising, *inter alia*, making available for selection subdomain names derived from top level domain names that are not owned by the subdomain management system.

Discussion of most relevant art:

**US Patents and PG-PUB**

(i) US PG Pub to Choudhry (6,442,602) discloses a method for dynamic creation and management of virtual subdomain addresses. Choudhry, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

**Foreign Patent Documents**

(ii) WO 01/29710 to Nametree teaches all the features of the instant invention. Nametree however, fails to overcome the instant application because the application

was filed before 11/29/2000 (see MPEP 706.02(a)[R3] .

### **Non-Patent Literature**

(iii) Shimamura teaches a method for organizing domain names, however, Shimamura fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(iii) Business Wire teaches a method for domain name registration, however, Business Wire fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(iv) PR Newswire teaches a method for registering domain names, however, PR Newswire fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(v) AOL teaches a method for creating and distributing subdomain names, however, AOL fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(vi) Wooley teaches a method for selling subdomain names that are owned by the same entity, however, Wooley fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

**(571) 273-8300** [Official communications; including

After Final communications labeled

"Box AF"]

**(571) 273-6755** [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

A handwritten signature in black ink, appearing to read 'Mark Fadok', with a long horizontal flourish extending to the right.

Mark Fadok

Primary Examiner